

1 HOUSE BILL NO. 804
2 INTRODUCED BY J. TAYLOR
3
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY TO THE LEGISLATIVE BRANCH, THE CONSUMER COUNCIL, THE JUDICIARY, THE GOVERNOR'S OFFICE, THE
6 SECRETARY OF STATE, THE COMMISSIONER OF POLITICAL PRACTICES, THE OFFICE OF THE STATE AUDITOR, DEPARTMENT OF TRANSPORTATION, DEPARTMENT OF
7 REVENUE, DEPARTMENT OF ADMINISTRATION, MONTANA CONSENSUS COUNCIL, AND THE OFFICE OF THE STATE PUBLIC DEFENDER FOR THE BIENNIUM ENDING JUNE
8 30, 2009, AND SETTING RATES FOR INTERNAL SERVICES FUNDS; REVISING LAWS TO ALLOW FOR THE APPROPRIATIONS AND TO IMPLEMENT THE STATUTORY PROVISIONS
9 GOVERNING APPROPRIATIONS FOR THE OPERATION OF THE LEGISLATIVE BRANCH, THE CONSUMER COUNCIL, THE JUDICIARY, THE GOVERNOR'S OFFICE, THE SECRETARY
10 OF STATE, THE COMMISSIONER OF POLITICAL PRACTICES, THE OFFICE OF THE STATE AUDITOR, DEPARTMENT OF TRANSPORTATION, DEPARTMENT OF REVENUE,
11 DEPARTMENT OF ADMINISTRATION, MONTANA CONSENSUS COUNCIL, AND THE OFFICE OF THE STATE PUBLIC DEFENDER; AMENDING SECTIONS 15-1-122, 17-1-507, 17-7-123,
12 17-7-131, 17-7-138, 17-7-139, 17-7-140, 17-7-301, 17-7-304, AND 90-4-614, MCA; AND PROVIDING AN EFFECTIVE DATES."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15

16 NEW SECTION. **Section 1. First level expenditures.** The agency and program appropriation tables in the legislative fiscal analyst narrative accompanying this bill, showing first
17 level expenditures and funding for the 2009 biennium, are adopted as legislative intent.
18

19 NEW SECTION. **Section 2. Appropriation control.** An appropriation item designated "Biennial" may be spent in either year of the biennium. An appropriation item designated
20 "Restricted" may be used during the biennium only for the purpose designated by its title and as presented to the legislature. An appropriation item designated "One Time Only" or "OTO" may
21 not be included in the present law base for the 2011 biennium. The office of budget and program planning shall establish a separate appropriation on the statewide accounting, budgeting,
22 and human resource system for any item designated "Biennial", "Restricted", "One Time Only", or "OTO". The office of budget and program planning shall establish at least one appropriation
23 on the statewide accounting, budgeting, and human resource system for any appropriation that appears as a separate line item in [section 18].
24

25 NEW SECTION. **Section 3. Program definition.** As used in [section 18], "program" has the same meaning as defined in 17-7-102, is consistent with the management and
26 accountability structure established on the statewide accounting, budgeting, and human resource system, and is identified as a major subdivision of an agency ordinaly numbered with an

1 Arabic numeral.

2

3 **NEW SECTION. Section 4. Personal services funding -- 2011 biennium.** Present law and new proposal funding budget requests for the 2011 biennium submitted under Title
4 17, chapter 7, part 1, by each executive, judicial, and legislative branch agency must include funding of first level personal services separate from funding of other expenditures. The funding
5 of first level personal services by accounting entity or equivalent for each fiscal year must be shown at the fourth reporting level or equivalent in the budget request for the 2011 biennium
6 submitted by October 30 to the legislative fiscal analyst by the office of budget and program planning.

7

8 **NEW SECTION. Section 5. Totals not appropriations.** The totals shown in [section 18] are for informational purposes only and are not appropriations.

9

10 **Section 6.** Section 15-1-122, MCA, is amended to read:

11 **"15-1-122. Fund transfers.** (1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, \$36,764 for fiscal year 2003. ~~Beginning~~
12 ~~with fiscal year 2004, the~~ The amount of the transfer must be increased by 10% in each succeeding fiscal year.

13 (2) There is transferred from the state general fund to the department of transportation state special revenue nonrestricted account the following amounts:

14 (a) \$3,050,205 in fiscal year 2006; and

15 (b) in each succeeding fiscal year, the amount in subsection (2)(a), increased by 1.5% in each succeeding fiscal year.

16 (3) For each fiscal year, there is transferred from the state general fund to the accounts, entities, or recipients indicated the following amounts:

17 (a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5, ~~1.62% of the motor vehicle revenue deposited in the state general fund in fiscal~~
18 ~~year 2006 and~~ 1.48% of the motor vehicle revenue deposited in the state general fund in succeeding each fiscal years year. The amount of ~~8.75% of the allocation in fiscal year 2006 and~~ 9.48%
19 of the allocation in ~~fiscal year 2007 and succeeding years~~ each fiscal year must be used for the purpose of reimbursing the hired removal of abandoned vehicles. Any portion of the allocation
20 not used for abandoned vehicle removal reimbursement must be used as provided in 75-10-532.

21 (b) to the noxious weed state special revenue account provided for in 80-7-816, ~~1.53% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and~~ 1.50%
22 of the motor vehicle revenue deposited in the state general fund in succeeding each fiscal years year;

23 (c) to the department of fish, wildlife, and parks:

24 (i) ~~0.47% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and in succeeding fiscal years;~~ 0.46% of the motor vehicle revenue deposited in the
25 state general fund in each fiscal year, with the applicable percentage to be:

26 (A) used to:

1 (I) acquire and maintain pumpout equipment and other boat facilities, ~~5.2% in fiscal year 2006 and~~ 4.8% in each fiscal year 2007 and succeeding years;

2 (II) administer and enforce the provisions of Title 23, chapter 2, part 5, ~~20.8% in fiscal year 2006 and~~ 19.1% in each fiscal year 2007 and succeeding years;

3 (III) enforce the provisions of 23-2-804, ~~12.1% in fiscal year 2006 and~~ 11.1% in each fiscal year 2007 and succeeding fiscal years; and

4 (IV) develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreational use, ~~18.1% in fiscal year 2006 and~~ 16.7% in each fiscal year 2007
5 and succeeding fiscal years; and

6 (B) deposited in the state special revenue fund established in 23-1-105 in an amount equal to ~~43.8% in fiscal year 2006 and~~ 48.3% in each fiscal year 2007 and succeeding fiscal
7 years;

8 (ii) ~~0.12% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and~~ 0.10% of the motor vehicle revenue deposited in the state general fund in each
9 subsequent fiscal year, with 50% of the amount to be used for enforcing the purposes of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, 23-2-631 through
10 23-2-635, and 23-2-641 through 23-2-644 and 50% of the amount designated for use in the development, maintenance, and operation of snowmobile facilities; and

11 (iii) ~~0.5% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and~~ 0.16% of the motor vehicle revenue deposited in the state general fund in each
12 succeeding fiscal year to be deposited in the motorboat account to be used as provided in 23-2-533;

13 (d) ~~0.75% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and~~ 0.64% of the motor vehicle revenue deposited in the state general fund in each
14 succeeding fiscal year, with ~~21.30% in fiscal year 2006 and~~ 24.55% in each fiscal year 2007 and succeeding fiscal years to be deposited in the state veterans' cemetery account provided for
15 in 10-2-603 and with ~~78.70% in fiscal year 2006 and~~ 75.45% in each fiscal year 2007 and succeeding fiscal years to be deposited in the veterans' services account provided for in 10-2-112(1);

16 (e) ~~0.59% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and~~ 0.30% of the motor vehicle revenue deposited in the state general fund in each
17 succeeding fiscal year for deposit in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112;
18 and

19 (f) to the search and rescue account provided for in 10-3-801, ~~0.20% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and~~ 0.04% of the motor
20 vehicle revenue deposited in the state general fund in each succeeding fiscal year.

21 (4) For the purposes of this section, "motor vehicle revenue deposited in the state general fund" means revenue received from:

22 (a) fees for issuing a motor vehicle title paid pursuant to 61-3-203;

23 (b) fees, fees in lieu of taxes, and taxes for vehicles, vessels, and snowmobiles registered or reregistered pursuant to 61-3-321 and 61-3-562;

24 (c) GVW fees for vehicles registered for licensing pursuant to Title 61, chapter 3, part 3; and

25 (d) all money collected pursuant to 15-1-504(3).

26 (5) The amounts transferred from the general fund to the designated recipient must be appropriated as state special revenue ~~in the general appropriations act~~ for the designated

1 purposes."

2

3 **Section 7.** Section 17-1-507, MCA, is amended to read:

4 **"17-1-507. Principles of revenue dedication.** (1) It is the policy of the legislature that a revenue source not be dedicated for a specific purpose unless one or more of the following
5 conditions are met:

6 (a) The person or entity paying the tax, fee, or assessment is the direct beneficiary of the specific activity that is funded by the tax, fee, or assessment; the entire cost of the activity
7 is paid by the beneficiary; and the tax, fee, or assessment paid is commensurate with the cost of the activity, including reasonable administrative costs.

8 (b) There is an expectation that funds donated by a person or entity will be used for a specified purpose. Grants from private or public entities are considered donations under this
9 subsection.

10 (c) There is a legal basis for the revenue dedication. A legal basis is a constitutional mandate, federal mandate, or statutory requirement in which a source of funds is designated
11 for a specific purpose.

12 (d) There is a recognized need for accountability through a separation of funding from the general fund consistent with generally accepted accounting principles.

13 (2) The total funding for a program is a legislative budget and policy issue for which a dedicated revenue provision may not be justified if:

14 (a) a general fund appropriation is needed to supplement the dedicated revenue support for the program or activity; or

15 (b) dedicating a revenue source or portion of a revenue source diverts funds that could be considered a general revenue source.

16 (3) In the consideration of the ~~general~~ appropriations act for each biennium, the legislature shall determine the appropriateness of dedicating revenue to a program or activity under
17 conditions described in subsection (2). The office of budget and program planning shall describe the occurrence in its presentation of the executive budget, and the legislative fiscal analyst
18 shall highlight the issue in the budget analysis and for the appropriations subcommittee considering the revenue dedication."
19

20

Section 8. Section 17-7-123, MCA, is amended to read:

21 **"17-7-123. Form of executive budget.** (1) The budget submitted must set forth a balanced financial plan for funds subject to appropriation and enterprise funds that transfer profits
22 to the general fund or to accounts subject to appropriation for each accounting entity and for the state government for each fiscal year of the ensuing biennium. The base level plan must consist
23 of:

24 (a) a consolidated budget summary setting forth the aggregate figures of the budget in a manner that shows a balance between the total proposed disbursements and the total
25 anticipated receipts, together with the other means of financing the budget for each fiscal year of the ensuing biennium, contrasted with the corresponding figures for the last-completed fiscal
26 year and the fiscal year in progress. The consolidated budget summary must be supported by explanatory schedules or statements.

- 1 (b) budget and full-time equivalent personnel position comparisons by agency, program, and appropriated funds for the current and subsequent biennium;
- 2 (c) the departmental mission and a statement of goals and objectives for the department;
- 3 (d) base budget disbursements for the completed fiscal year of the current biennium, estimated comparable disbursements for the current fiscal year, and the proposed present law
4 base budget plus new proposals, if any, for each department and each program of the department;
- 5 (e) a statement containing recommendations of the governor for the ensuing biennium by program and disbursement category, including:
- 6 (i) explanations of appropriation and revenue measures included in the budget that involve policy changes;
- 7 (ii) matters not included as a part of the executive budget bill but included as a part of the executive budget, such as the state employee pay plan, programs funded through separate
8 appropriations measures, and other matters considered necessary for comprehensive public and legislative consideration of the state budget; and
- 9 (iii) a summary of budget requests that include proposed expenditures on information technology resources. The summary must include funding, program references, and a decision
10 package reference;
- 11 (f) a report on:
- 12 (i) enterprise funds not subject to the requirements of subsections (1)(a) through (1)(e), including retained earnings and contributed capital, projected operations and charges, and
13 projected fund balances; and
- 14 (ii) fees and charges in the internal service fund type, including changes in the level of fees and charges, projected use of the fees and charges, and projected fund balances. Fees
15 and charges in the internal service fund type must be approved by the legislature in ~~the general~~ a bill providing appropriations ~~act~~ for each agency. Fees and charges in a biennium may not
16 exceed the level approved by the legislature in ~~the general appropriations act effective for that biennium~~.
- 17 (g) any other financial or budgetary material agreed to by the budget director and the legislative fiscal analyst.
- 18 (2) The statement of departmental goals and objectives and the schedule for each fund required in 17-7-111(3)(b) of the executive budget are not required to be printed but must
19 be available in the office of budget and program planning and on the internet."
20

21 **Section 9.** Section 17-7-131, MCA, is amended to read:

22 **"17-7-131. Legislative action -- ending fund balance.** (1) The presiding officers of the house of representatives and of the senate shall promptly refer the budgets and budget bills
23 to the proper committees. The budget bill for the maintenance of the agencies of state government and the state institutions must be based upon the budget and proposed budget bill submitted
24 at the request of the governor. The legislature may amend the proposed budget bill, but it may not ~~amend the proposed~~ enact a budget bill so as to ~~that will~~ affect either the obligations of the
25 state or the payment of any salaries required to be paid by the constitution and laws of the state.

26 (2) The adopted budget must be limited so that a positive ending general fund balance exists at the end of the biennium for which funds are appropriated."

1 **Section 10.** Section 17-7-138, MCA, is amended to read:

2 **"17-7-138. Operating budget.** (1) (a) Expenditures by a state agency must be made in substantial compliance with the budget approved by the legislature. Substantial compliance
3 may be determined by conformity to the conditions contained in the bill providing general appropriations act for the agency and to legislative intent as established in the narrative accompanying
4 the general bill providing appropriations act for the agency. An explanation of any significant change in agency or program scope must be submitted on a regular basis to the interim committee
5 that has program evaluation and monitoring functions for the agency pursuant to Title 5, chapter 5, part 2. An explanation of any significant change in agency or program scope, objectives,
6 activities, or expenditures must be submitted to the legislative fiscal analyst for review and comment by the legislative finance committee prior to any implementation of the change. A significant
7 change may not conflict with a condition contained in the general bill providing appropriations act for the agency. If the approving authority certifies that a change is time-sensitive, the approving
8 authority may approve the change prior to the next regularly scheduled meeting of the legislative finance committee. The approving authority shall submit all proposed time-sensitive changes
9 to the legislative fiscal analyst prior to approval. If the legislative fiscal analyst determines that notification of the legislative finance committee is warranted, the legislative fiscal analyst shall
10 immediately notify as many members as possible of the proposed change and communicate any concerns expressed to the approving authority. The approving authority shall present a report
11 fully explaining the reasons for the action to the next meeting of the legislative finance committee. Except as provided in subsection (2), the expenditure of money appropriated in the general
12 bill providing appropriations act for an agency is contingent upon approval of an operating budget by August 1 of each fiscal year. An approved original operating budget must comply with
13 state law and conditions contained in the general bill providing appropriations act for the agency.

14 (b) For the purposes of this subsection (1), an agency or program is considered to have a significant change in its scope, objectives, activities, or expenditures if:

15 (i) the operating budget change exceeds \$1 million; or

16 (ii) the operating budget change exceeds 25% of a budget category and the change is greater than \$25,000. If there have been other changes to the budget category in the current
17 fiscal year, all the changes, including the change under consideration, must be used in determining the 25% and \$25,000 threshold.

18 (2) The expenditure of money appropriated in the general bill providing appropriations act to the board of regents, on behalf of the university system units, as defined in 17-7-102,
19 is contingent upon approval of a comprehensive operating budget by October 1 of each fiscal year. The operating budget must contain detailed revenue and expenditures and anticipated fund
20 balances of current funds, loan funds, endowment funds, and plant funds. After the board of regents approves operating budgets, transfers between units may be made only with the approval
21 of the board of regents. Transfers and related justification must be submitted to the office of budget and program planning and to the legislative fiscal analyst.

22 (3) The operating budget for money appropriated by the general bill providing the primary appropriations act for an agency must be separate from the operating budget for money
23 appropriated by another law except a law appropriating money for the state pay plan or any portion of the state pay plan. The legislature may restrict the use of funds appropriated for personal
24 services to allow use only for the purpose of the appropriation. Each operating budget must include expenditures for each agency program, detailed at least by first-level categories as provided
25 in 17-1-102(3). Each agency shall record its operating budget for all funds, other than higher education funds, and any approved changes on the statewide budget and accounting state financial
26 system. Documents implementing approved changes must be signed. The operating budget for higher education funds must be recorded on the university financial system, with separate

1 accounting categories for each source or use of state government funds. State sources and university sources of funds may be combined for the general operating portion of the current
2 unrestricted funds."

3
4 **Section 11.** Section 17-7-139, MCA, is amended to read:

5 **"17-7-139. Program transfers.** (1) Unless prohibited by law or a condition contained in the ~~general bill providing appropriations act for an agency,~~ the approving authority may approve
6 agency requests to transfer appropriations between programs within each fund type within each fiscal year. The legislature may restrict the use of funds appropriated for personal services
7 to allow use only for the purpose of the appropriation. An explanation of any significant transfer must be submitted on a regular basis to the interim committee that has program evaluation and
8 monitoring functions for the agency pursuant to Title 5, chapter 5, part 2. An explanation of any transfer that involves a significant change in agency or program scope, objectives, activities,
9 or expenditures must be submitted to the legislative fiscal analyst for review and comment by the legislative finance committee prior to any implementation of the change. If the approving
10 authority certifies that a request for a transfer representing a significant change in agency or program scope, objectives, activities, or expenditures is time-sensitive, the approving authority
11 may approve the transfer prior to the next regularly scheduled meeting of the legislative finance committee. The approving authority shall submit all proposed time-sensitive changes to the
12 legislative fiscal analyst prior to approval. If the legislative fiscal analyst determines that notification of the legislative finance committee is warranted, the legislative fiscal analyst shall immediately
13 notify as many members as possible of the proposed change and communicate any concerns expressed to the approving authority. The approving authority shall present a report fully explaining
14 the reasons for the action to the next meeting of the legislative finance committee. All program transfers must be completed within the same fund from which the transfer originated. A request
15 for a transfer accompanied by a justification explaining the reason for the transfer must be submitted by the requesting agency to the approving authority and the office of budget and program
16 planning. Upon approval of the transfer in writing, the approving authority shall inform the legislative fiscal analyst of the approved transfer and the justification for the transfer. If money
17 appropriated for a fiscal year is transferred to another fiscal year, the money may not be retransferred, except that money remaining from projected costs for spring fires estimated in the last
18 quarter of the first year of a biennium may be retransferred.

19 (2) For the purposes of subsection (1), an agency or program is considered to have a significant change in its scope, objectives, activities, or expenditures if:

20 (a) the budget transfer exceeds \$1 million; or

21 (b) the budget transfer exceeds 25% of a program's total operating plan and the transfer is greater than \$25,000. If there have been other transfers to or from the program in the
22 current fiscal year, all the transfers, including the transfer under consideration, must be used in determining the 25% and \$25,000 threshold."

23
24 **Section 12.** Section 17-7-140, MCA, is amended to read:

25 **"17-7-140. Reduction in spending.** (1) (a) As the chief budget officer of the state, the governor shall ensure that the expenditure of appropriations does not exceed available revenue.
26 Except as provided in subsection (2), in the event of a projected general fund budget deficit, the governor, taking into account the criteria provided in subsection (1)(b), shall direct agencies

1 to reduce spending in an amount that ensures that the projected ending general fund balance for the biennium will be at least 1% of all general fund appropriations during the biennium. An
2 agency may not be required to reduce general fund spending for any program, as defined in each general bill providing appropriations ~~set~~ for an agency, by more than 10% during a biennium.
3 Departments or agencies headed by elected officials or the board of regents may not be required to reduce general fund spending by a percentage greater than the percentage of general fund
4 spending reductions required for the total of all other executive branch agencies. The legislature may exempt from a reduction an appropriation item within a program or may direct that the
5 appropriation item may not be reduced by more than 10%.

6 (b) The governor shall direct agencies to manage their budgets in order to reduce general fund expenditures. Prior to directing agencies to reduce spending as provided in subsection
7 (1)(a), the governor shall direct each agency to analyze the nature of each program that receives a general fund appropriation to determine whether the program is mandatory or permissive
8 and to analyze the impact of the proposed reduction in spending on the purpose of the program. An agency shall submit its analysis to the office of budget and program planning and shall
9 at the same time provide a copy of the analysis to the legislative fiscal analyst. The office of budget and program planning shall review each agency's analysis, and the budget director shall
10 submit to the governor a copy of the office of budget and program planning's recommendations for reductions in spending. The budget director shall provide a copy of the recommendations
11 to the legislative fiscal analyst at the time that the recommendations are submitted to the governor and shall provide the legislative fiscal analyst with any proposed changes to the
12 recommendations. The legislative finance committee shall meet within 20 days of the date that the proposed changes to the recommendations for reductions in spending are provided to the
13 legislative fiscal analyst. The legislative fiscal analyst shall provide a copy of the legislative fiscal analyst's review of the proposed reductions in spending to the budget director at least 5 days
14 before the meeting of the legislative finance committee. The committee may make recommendations concerning the proposed reductions in spending. The governor shall consider each agency's
15 analysis and the recommendations of the office of budget and program planning and the legislative finance committee in determining the agency's reduction in spending. Reductions in spending
16 must be designed to have the least adverse impact on the provision of services determined to be most integral to the discharge of the agency's statutory responsibilities.

17 (2) Reductions in spending for the following may not be directed by the governor:

- 18 (a) payment of interest and principal on state debt;
- 19 (b) the legislative branch;
- 20 (c) the judicial branch;
- 21 (d) the school BASE funding program, including special education;
- 22 (e) salaries of elected officials during their terms of office; and
- 23 (f) the Montana school for the deaf and blind.

24 (3) (a) As used in this section, "projected general fund budget deficit" means an amount, certified by the budget director to the governor, by which the projected ending general fund
25 balance for the biennium is less than:

- 26 (i) 2% of the general fund appropriations for the second fiscal year of the biennium prior to October of the year preceding a legislative session;

1 (ii) 3/4 of 1% in October of the year preceding a legislative session;

2 (iii) 1/2 of 1% in January of the year in which a legislative session is convened; and

3 (iv) 1/4 of 1% in March of the year in which a legislative session is convened.

4 (b) In determining the amount of the projected general fund budget deficit, the budget director shall take into account revenue, established levels of appropriation, anticipated
5 supplemental appropriations for school equalization aid, and anticipated reversions.

6 (4) If the budget director determines that an amount of actual or projected receipts will result in an amount less than the amount projected to be received in the revenue estimate
7 established pursuant to 5-5-227, the budget director shall notify the revenue and transportation interim committee of the estimated amount. Within 20 days of notification, the revenue and
8 transportation interim committee shall provide the budget director with any recommendations concerning the amount. The budget director shall consider any recommendations of the revenue
9 and transportation interim committee prior to certifying a projected general fund budget deficit to the governor."

10
11 **Section 13.** Section 17-7-301, MCA, is amended to read:

12 **"17-7-301. Authorization to expend during first year of biennium from appropriation for second year -- proposed supplemental appropriation defined -- limit on second-year**
13 **expenditures.** (1) An agency may make expenditures during the first fiscal year of the biennium from appropriations for the second fiscal year of the biennium if authorized by the ~~general bill~~
14 ~~providing appropriations act for the agency.~~ act for the agency. An agency that is not authorized ~~in the general appropriations act~~ to make first-year expenditures may be granted spending authorization by the
15 approving authority upon submission and approval of a proposed supplemental appropriation to the approving authority. The proposal submitted to the approving authority must include a plan
16 for reducing expenditures in the second year of the biennium that allows the agency to contain expenditures within appropriations. If the approving authority finds that, ~~due to~~ because of an
17 unforeseen and unanticipated emergency, the amount actually appropriated for the first fiscal year of the biennium with all other income will be insufficient for the operation and maintenance
18 of the agency during the year for which the appropriation was made, the approving authority shall, after careful study and examination of the request and upon review of the recommendation
19 for executive branch proposals by the budget director, submit the proposed supplemental appropriation to the legislative fiscal analyst.

20 (2) The plan for reducing expenditures required by subsection (1) is not required if the proposed supplemental appropriation is:

21 (a) due to an unforeseen and unanticipated emergency for fire suppression;

22 (b) requested by the superintendent of public instruction, in accordance with the provisions of 20-9-351, and is to complete the state's funding of guaranteed tax base aid,
23 transportation aid, or equalization aid to elementary and secondary schools for the current biennium; or

24 (c) requested by the attorney general and:

25 (i) is to pay the costs associated with litigation in which the department of justice is required to provide representation to the state of Montana; or

26 (ii) in accordance with the provisions of 7-32-2242, is to pay costs for which the department of justice is responsible for confinement of an arrested person in a detention center.

1 (3) Upon receipt of the recommendation of the legislative finance committee pursuant to 17-7-311, the approving authority may authorize an expenditure during the first fiscal year
2 of the biennium to be made from the appropriation for the second fiscal year of the biennium. Except as provided in subsection (2), the approving authority shall require the agency to implement
3 the plan for reducing expenditures in the second year of the biennium that contains agency expenditures within appropriations.

4 (4) The agency may expend the amount authorized by the approving authority only for the purposes specified in the authorization.

5 (5) The approving authority shall report to the next legislature in a special section of the budget the amounts expended as a result of all authorizations granted by the approving
6 authority and shall request that any necessary supplemental appropriation bills be passed.

7 (6) As used in this part, "proposed supplemental appropriation" means an application for authorization to make expenditures during the first fiscal year of the biennium from
8 appropriations for the second fiscal year of the biennium.

9 (7) (a) Except as provided in subsections (2) and (7)(b), an agency may not make expenditures in the second year of the biennium that, if carried on for the full year, will require a
10 deficiency appropriation, commonly referred to as a "supplemental appropriation".

11 (b) An agency shall prepare and, to the extent feasible, implement a plan for reducing expenditures in the second year of the biennium that contains agency expenditures within
12 appropriations. The approving authority is responsible for ensuring the implementation of the plan. If, in the second year of a biennium, mandated expenditures that are required by state or
13 federal law will cause an agency to exceed appropriations or available funds, the agency shall reduce all nonmandated expenditures pursuant to the plan in order to reduce to the greatest
14 extent possible the expenditures in excess of appropriations or funding. An agency may not transfer funds between fund types in order to implement a plan."
15

16 **Section 14.** Section 17-7-304, MCA, is amended to read:

17 **"17-7-304. Disposal of unexpended appropriations.** (1) All money appropriated for any specific purpose except that appropriated for the university system units listed in subsection
18 (2) [or state money appropriated for the state children's health insurance program provided for in Title 53, chapter 4, part 10,] and except as provided in subsection (4) must, after the expiration
19 of the time for which appropriated, revert to the several funds and accounts from which originally appropriated. However, any unexpended balance in any specific appropriation may be used
20 for the years for which the appropriation was made or may be used to fund the provisions of 2-18-1203 through 2-18-1205 and 19-2-706 in the succeeding year.

21 (2) Except as provided in 17-2-108 and subsection (3) of this section, all money appropriated for the university of Montana campuses at Missoula, Butte, Dillon, and Helena and the
22 Montana state university campuses at Bozeman, Billings, Havre, and Great Falls, the agricultural experiment station with central offices at Bozeman, the forest and conservation experiment
23 station with central offices at Missoula, the cooperative extension service with central offices at Bozeman, and the bureau of mines and geology with central offices in Butte must, after the
24 expiration of the time for which appropriated, revert to an account held by the board of regents. The board of regents is authorized to maintain a fund balance. There is a statutory appropriation,
25 as provided in 17-7-502, to use the funds held in this account in accordance with a long-term plan for major and deferred maintenance expenditures and equipment or fixed assets purchases
26 prepared by the affected university system units and approved by the board of regents. The affected university system units may, with the approval of the board of regents, modify the long-term

1 plan at any time to address changing needs and priorities. The board of regents shall communicate the plan to each legislature, to the finance committee when requested by the committee,
2 and to the office of budget and program planning.

3 (3) Subsection (2) does not apply to reversions that are the result of a reduction in spending directed by the governor pursuant to 17-7-140. Any amount that is a result of a reduction
4 in spending directed by the governor must revert to the fund or account from which it was originally appropriated.

5 (4) (a) Subject to subsection (4)(b), after the end of a fiscal year, 30% of the money appropriated to an agency for that year ~~by the general appropriations act~~ for personal services,
6 operating expenses, and equipment, by fund type, and remaining unexpended and unencumbered at the end of the year may be reappropriated to be spent during the following 2 years for
7 any purpose that is consistent with the goals and objectives of the agency. The dollar amount of the 30% amount that may be carried forward and spent must be determined by the office of
8 budget and program planning.

9 (b) (i) Any portion of the 30% of the unexpended and unencumbered money referred to in subsection (4)(a) that was appropriated to a legislative branch entity may be deposited
10 in the account established in 5-11-407.

11 (ii) After the end of a biennium, any portion of the unexpended and unencumbered money appropriated for the operation of the preceding legislature in a separate appropriation act
12 may be deposited in the account established in 5-11-407. The approving authority shall determine the portion of the unexpended and unencumbered money that is deposited in the account.
13 (Bracketed language terminates on occurrence of contingency--sec. 7, Ch. 565, L. 2005.)"

14
15

16 **Section 15.** Section 90-4-614, MCA, is amended to read:

17 **"90-4-614. Appropriation of energy cost savings.** (1) In preparing the executive budget each biennium, the governor shall include for each state agency participating in the state
18 energy conservation program:

19 (a) an estimate of the energy cost savings expected for that agency in each year of the biennium; and

20 (b) a projection of the debt service on energy conservation program bonds that should be apportioned to that agency in each year of the biennium. Debt service is zero after the term
21 of bond repayment.

22 (2) Each session, the legislature shall review the governor's submission pursuant to 90-4-606 and subsection (1) of this section and appropriate ~~in the general appropriations act~~
23 the following:

24 (a) authority for each participating state agency to transfer funds in an amount equal to the agency's projected debt service to the energy conservation program account established
25 in 90-4-612; and

26 (b) authority for each participating state agency to transfer funds to the long-range building program fund in an amount equal to the difference between the estimated energy cost

1 savings to the agency and the projected debt service apportioned to that agency.

2 (3) The current level utility appropriations of state agencies participating in the energy conservation program must be reduced by the sum of the amounts appropriated in subsections
3 (2)(a) and (2)(b).

4 (4) Each participating state agency shall transfer upon request of the department the amounts appropriated in accordance with subsection (2)."

5

6 **NEW SECTION. Section 16. Severability.** If any section, subsection, sentence, clause, or phrase of [this act] is for any reason held unconstitutional, the decision does not affect
7 the validity of the remaining portions of [this act].

8

9 **NEW SECTION. Section 17. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective July 1, 2007.

10 (2) [Sections 6 through 15] and this section are effective on passage and approval.

11

12 **NEW SECTION. Section 18. Appropriations.** The following money is appropriated for the respective fiscal years:

	<u>Fiscal 2008</u>					<u>Fiscal 2009</u>						
	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>	<u>Other</u>	<u>Total</u>	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>	<u>Other</u>	<u>Total</u>
1	GENERAL GOVERNMENT AND TRANSPORTATION											
2												
3	LEGISLATIVE BRANCH (1104)											
4	1. Legislative Services (20) (Biennial)											
5	5,361,551	864,666	0	0	0	6,226,217	5,637,184	337,059	0	0	0	5,974,243
6	2. Legislative Committees and Activities (21) (Biennial)											
7	530,400	0	0	0	0	530,400	300,097	0	0	0	0	300,097
8	3. Fiscal Analysis and Review (27) (Biennial)											
9	1,461,210	0	0	0	0	1,461,210	1,506,824	0	0	0	0	1,506,824
10	4. Audit and Examination (28) (Biennial)											
11	2,169,731	1,650,570	0	0	0	3,820,301	2,249,562	1,579,822	0	0	0	3,829,384
12	<hr/>											
13	Total											
14	9,522,892	2,515,236	0	0	0	12,038,128	9,693,667	1,916,881	0	0	0	11,610,548
15	CONSUMER COUNSEL (1112)											
16	1. Administration Program (01)											
17	0	1,242,380	0	0	0	1,242,380	0	1,257,016	0	0	0	1,257,016
18	a. Contingency Reserve (Restricted)											
19	0	250,000	0	0	0	250,000	0	250,000	0	0	0	250,000
20	<hr/>											
21	Total											
22	0	1,492,380	0	0	0	1,492,380	0	1,507,016	0	0	0	1,507,016
23	JUDICIARY (2110)											
24	1. Supreme Court Operations (01)											
25	7,736,040	110,042	125,380	0	0	7,971,462	7,848,465	110,042	125,879	0	0	8,084,386
26	a. Legislative Audit (Restricted/Biennial)											
27	44,288	0	0	0	0	44,288	0	0	0	0	0	0

		<u>Fiscal 2008</u>					<u>Fiscal 2009</u>						
	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>	<u>Other</u>	<u>Total</u>	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>	<u>Other</u>	<u>Total</u>	
1	2.	Boards and Commissions (02)											
2		254,673	25,006	0	0	0	279,679	255,080	25,006	0	0	0	280,086
3	a.	Judicial Standards (Restricted/Biennial)											
4		25,000	0	0	0	0	25,000	0	0	0	0	0	0
5	3.	Law Library (03)											
6		846,721	0	0	0	0	846,721	870,328	0	0	0	0	870,328
7	4.	District Court Operations (04)											
8		22,297,459	253,447	0	0	0	22,550,906	22,354,113	253,447	0	0	0	22,607,560
9	5.	Water Courts Supervision (05)											
10		0	1,383,541	0	0	0	1,383,541	0	1,386,782	0	0	0	1,386,782
11	6.	Clerk of Court (06)											
12		417,922	0	0	0	0	417,922	419,705	0	0	0	0	419,705
13	<hr/>												
14	Total												
15		31,622,103	1,772,036	125,380	0	0	33,519,519	31,747,691	1,775,277	125,879	0	0	33,648,847
16	GOVERNOR'S OFFICE (3101)												
17	1.	Executive Office Program (01)											
18		2,203,464	0	0	0	0	2,203,464	2,247,161	0	0	0	0	2,247,161
19	2.	Executive Residence Operations (02)											
20		94,461	0	0	0	0	94,461	95,191	0	0	0	0	95,191
21	a.	Re-authorize Governor's Residence (OTO)											
22		25,000	0	0	0	0	25,000	25,000	0	0	0	0	25,000
23	3.	Air Transportation Program (03)											
24		289,072	6,800	0	0	0	295,872	289,557	6,800	0	0	0	296,357
25	a.	Aircraft Engine Purchase (OTO/Restricted)											
26		0	0	0	0	0	0	630,000	0	0	0	0	630,000
27	4.	Office of Budget and Program Planning (04)											

	<u>Fiscal 2008</u>					<u>Fiscal 2009</u>						
	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>	<u>Other</u>	<u>Total</u>	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>	<u>Other</u>	<u>Total</u>
1	1,525,167	0	0	0	0	1,525,167	1,546,586	0	0	0	0	1,546,586
2	a.	Legislative Audit (Restricted/Biennial)										
3	15,817	0	0	0	0	15,817	0	0	0	0	0	0
4	5.	Indian Affairs (05)										
5	152,006	0	0	0	0	152,006	152,528	0	0	0	0	152,528
6	6.	Centralized Services (06)										
7	199,039	0	0	0	0	199,039	199,894	0	0	0	0	199,894
8	a.	Legislative Audit (Restricted/Biennial)										
9	34,798	0	0	0	0	34,798	0	0	0	0	0	0
10	b.	Computer Replacement (Restricted/OTO)										
11	17,100	0	0	0	0	17,100	35,800	0	0	0	0	35,800
12	7.	Lieutenant Governor (12)										
13	322,088	0	0	0	0	322,088	323,579	0	0	0	0	323,579
14	8.	Citizens' Advocate Office (16)										
15	68,675	21,000	0	0	0	89,675	68,844	21,000	0	0	0	89,844
16	9.	Mental Disabilities Board of Visitors (20)										
17	352,452	0	0	0	0	352,452	354,074	0	0	0	0	354,074
18	<hr/>											
19	Total											
20	5,299,139	27,800	0	0	0	5,326,939	5,968,214	27,800	0	0	0	5,996,014
21	<hr/>											
22	SECRETARY OF STATE (3201)											
23	1.	Business and Government Services (01)										
24	a.	Help America Vote Act (Restricted/Biennial/OTO)										
25	0	0	1,040,000	0	0	1,040,000	0	0	0	0	0	0
26	<hr/>											
27	Total											

	<u>Fiscal 2008</u>					<u>Fiscal 2009</u>					<u>Total</u>	
	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>	<u>Other</u>	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>	<u>Other</u>		
1	0	0	1,040,000	0	0	1,040,000	0	0	0	0	0	0
2	COMMISSIONER OF POLITICAL PRACTICES (3202)											
3	1. Administration (01)											
4	341,548	0	0	0	0	341,548	343,411	0	0	0	0	343,411
5	a. Legislative Audit (Restricted/Biennial)											
6	6,960	0	0	0	0	6,960	0	0	0	0	0	0
7	b. Online Lobbyist and Candidate Registration and Filing (Restricted/Biennial/OTO)											
8	62,200	0	0	0	0	62,200	23,300	0	0	0	0	23,300
9	<hr/>											
10	Total											
11	410,708	0	0	0	0	410,708	366,711	0	0	0	0	366,711
12	Campaign Filing, Lobbyist/Principal Systems includes funding for an annual report to the legislative finance committee for the following:											
13	(1) progress toward the goals of easy-to-use electronic filing for candidates, committees, lobbyists, and principal, providing a convenient method for the public to access this data,											
14	and reduction of errors in the reports filed with the commissioner of political practices from July 1, 2007, through May 1, 2008; and											
15	(2) attainment of the performance criteria as outlined in the project charter and timeline presented to the joint appropriations subcommittee on general government and transportation											
16	from July 1, 2007, through May 1, 2008.											
17	If the report is not received by the legislative finance committee by June 30, 2008, the fiscal year 2009 appropriation is void.											
18												
19	OFFICE OF THE STATE AUDITOR (3401)											
20	1. Central Management (01)											
21	0	636,773	0	0	0	636,773	0	640,132	0	0	0	640,132
22	a. Legislative Audit (Restricted/Biennial)											
23	0	6,580	0	0	0	6,580	0	0	0	0	0	0
24	2. Insurance Program (03)											
25	0	6,636,834	0	0	0	6,636,834	0	6,752,223	0	0	0	6,752,223
26	a. Legislative Audit (Restricted/Biennial)											
27	0	27,553	0	0	0	27,553	0	0	0	0	0	0

		<u>Fiscal 2008</u>					<u>Fiscal 2009</u>					
<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>	<u>Other</u>	<u>Total</u>	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>	<u>Other</u>	<u>Total</u>	
1	b.	Insurance Contract Examinations (Restricted)										
2	0	212,336	0	0	0	212,336	0	234,621	0	0	0	234,621
3	c.	Insure Montana (Reporting)										
4	0	8,533,218	0	0	0	8,533,218	0	8,536,406	0	0	0	8,536,406
5	3.	Securities (04)										
6	0	742,490	0	0	0	742,490	0	745,844	0	0	0	745,844
7	a.	Legislative Audit (Restricted/Biennial)										
8	0	6,991	0	0	0	6,991	0	0	0	0	0	0
9	b.	Securities Contract Examinations (Restricted)										
10	0	63,193	0	0	0	63,193	0	63,693	0	0	0	63,693
11	<hr/>											
12	Total											
13	0	16,865,968	0	0	0	16,865,968	0	16,972,919	0	0	0	16,972,919
14	<hr/>											
15	DEPARTMENT OF TRANSPORTATION (5401)											
16	1.	General Operations Program (01) (Biennial)										
17	0	21,586,371	1,395,725	0	0	22,982,096	0	22,354,124	1,400,762	0	0	23,754,886
18	a.	Legislative Audit (Restricted/Biennial)										
19	0	145,517	0	0	0	145,517	0	0	0	0	0	0
20	b.	Software Upgrade (OTO)										
21	0	51,000	0	0	0	51,000	0	0	0	0	0	0
22	c.	Surface Transportation Litigation (Restricted/Biennial/OTO)										
23	1,000,000	0	0	0	0	1,000,000	0	0	0	0	0	0
24	2.	Construction Program (02) (Biennial)										
25	0	88,609,834	271,116,523	0	0	359,726,357	0	83,112,488	278,076,978	0	0	361,189,466
26	3.	Maintenance Program (03) (Biennial)										
27	0	99,830,324	7,342,830	0	0	107,173,154	0	99,582,118	7,342,830	0	0	106,924,948

		<u>Fiscal 2008</u>					<u>Fiscal 2009</u>						
	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>	<u>Other</u>	<u>Total</u>	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>	<u>Other</u>	<u>Total</u>	
1	4.	Motor Carrier Services Division (22)											
2		0	6,679,838	1,647,465	0	0	8,327,303	0	6,698,168	2,627,589	0	0	9,325,757
3	5.	Aeronautics Program (40)											
4		0	1,115,714	1,706,951	0	0	2,822,665	0	872,411	34,229	0	0	906,640
5	a.	Aeronautics Grants (Biennial)											
6		0	800,000	0	0	0	800,000	0	0	0	0	0	0
7	b.	Airport Pavement Preservation (Biennial)											
8		0	250,000	0	0	0	250,000	0	0	0	0	0	0
9	c.	Lincoln Airport Development (Biennial)											
10		0	14,994	300,006	0	0	315,000	0	0	0	0	0	0
11	d.	Airport/Aeronautics Loans (Biennial)											
12		0	400,000	0	0	0	400,000	0	400,000	0	0	0	400,000
13	6.	Transportation Planning Division (50) (Biennial)											
14		0	6,211,394	19,101,959	0	0	25,313,353	0	6,460,554	19,580,553	0	0	26,041,107
15	<hr/>												
16	Total												
17		1,000,000	225,694,986	302,611,459	0	0	529,306,445	0	219,479,863	309,062,941	0	0	528,542,804
18	The department may adjust appropriations in the general operations, construction, maintenance, and transportation planning programs between state special revenue and federal special revenue funds if the total state special revenue authority for these programs is not increased by more than 10% of the total appropriations established by the legislature for each program.												
19													
20	All federal special revenue appropriations in the department are biennial.												
21	All state special revenue appropriations in the general operations, construction, maintenance, and transportation planning programs are biennial.												
22	All remaining federal pass-through grant appropriations for highway traffic safety, including reversions, for the 2007 biennium are authorized to continue and are appropriated in fiscal year 2008 and fiscal year 2009.												
23													
24													
25	DEPARTMENT OF REVENUE (5801)												
26	1.	Director's Office (01)											
27		3,825,038	0	200	79,071	0	3,904,309	3,836,668	0	0	79,071	0	3,915,739

		<u>Fiscal 2008</u>					<u>Fiscal 2009</u>						
	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>	<u>Other</u>	<u>Total</u>	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>	<u>Other</u>	<u>Total</u>	
1	a.	Legislative Audit (Restricted/Biennial)											
2		182,878	0	600	0	0	183,478	0	0	0	0	0	
3	b.	Compliance -- Legal (Restricted/OTO)											
4		400,000	0	0	0	0	400,000	400,000	0	0	0	400,000	
5	2.	Information Technology and Processing (02)											
6		9,081,545	229,522	132,000	95,621	0	9,538,688	9,249,277	231,295	132,000	95,621	0	9,708,193
7	3.	Liquor Control Division (03)											
8		0	0	0	1,729,226	0	1,729,226	0	0	0	1,736,029	0	1,736,029
9	4.	Citizen Services and Resource Management (05)											
10		1,685,667	106,785	0	44,133	0	1,836,585	1,690,615	108,585	0	44,133	0	1,843,333
11	a.	Citizen Services (Restricted)											
12		121,380	0	0	0	0	121,380	121,380	0	0	0	0	121,380
13	b.	Business Equipment Rate Reduction Reimbursement (OTO)											
14		1,400,000	0	0	0	0	1,400,000	0	0	0	0	0	0
15	5.	Business and Income Taxes Division (07)											
16		6,852,741	236,355	272,017	0	0	7,361,113	6,882,073	243,445	272,017	0	0	7,397,535
17	6.	Property Assessment Division (08)											
18		17,073,923	50,000	0	0	0	17,123,923	17,175,024	50,000	0	0	0	17,225,024
19	a.	Maintain Parcel Count Caseload (OTO)											
20		31,400	0	0	0	0	31,400	0	0	0	0	0	0
21	<hr/>												
22	Total	40,654,572	622,662	404,817	1,948,051	0	43,630,102	39,355,037	633,325	404,017	1,954,854	0	42,347,233

24 Liquor control division proprietary funds necessary to maintain adequate inventories, pay freight charges, and transfer profit and taxes to appropriate accounts are appropriated from
 25 the liquor enterprise fund (06005) to the department in amounts not to exceed \$103,000,000 in fiscal year 2008 and \$112,000,000 in fiscal year 2009.

26 If the department is unable to meet statutory service levels because of the increase in demand for liquor products, the department may hire additional temporary employees or pay
 27 overtime, whichever is determined to be the most cost-effective, to maintain required service levels to stores. In fiscal year 2008 and in fiscal year 2009, the department is appropriated not

	<u>Fiscal 2008</u>					<u>Fiscal 2009</u>					<u>Total</u>	
	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>	<u>Other</u>	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>	<u>Other</u>		
1	more than \$40,000 each year for additional costs from the liquor enterprise fund (06005) to meet the service level requirements.											
2	In the liquor division, upon a termination that requires a payout of accrued leave balances, liquor control division proprietary funds are appropriated from the liquor enterprise fund											
3	(06005) to the department in the amount equal to the payout of the accrued leave balances, not to exceed \$40,000 for each of fiscal years 2008 and 2009.											
4												
5	DEPARTMENT OF ADMINISTRATION (6101)											
6	1. Governor-Elect Program (02)											
7	0	0	0	0	0	50,000	0	0	0	0	0	50,000
8	2. Administrative Financial Services Division (03)											
9	1,658,095	1,587	87,293	49,620	0	1,796,595	1,667,074	1,587	87,333	49,669	0	1,805,663
10	a. Legislative Audit (Restricted/Biennial)											
11	41,676	0	0	0	0	41,676	0	0	0	0	0	0
12	b. Laptop Computer Replacement (OTO)											
13	10,000	0	0	0	0	10,000	0	0	0	0	0	0
14	3. Architecture and Engineering Program (04)											
15	0	1,353,948	0	0	0	1,353,948	0	1,363,898	0	0	0	1,363,898
16	a. Legislative Audit (Restricted/Biennial)											
17	0	1,500	0	0	0	1,500	0	0	0	0	0	0
18	4. General Services Program (06)											
19	2,429,997	66,794	0	0	0	2,496,791	2,524,866	66,925	0	0	0	2,591,791
20	5. Information Technology Services Division (07)											
21	644,196	1,383,562	0	0	0	2,027,758	644,351	1,379,403	0	0	0	2,023,754
22	a. Geographic Coordinate Database (Biennial)											
23	0	0	800,000	0	0	800,000	0	0	0	0	0	0
24	6. Banking and Financial Division (14)											
25	0	3,237,384	0	0	0	3,237,384	0	3,309,917	0	0	0	3,309,917
26	a. Legislative Audit (Restricted/Biennial)											
27	0	3,297	0	0	0	3,297	0	0	0	0	0	0

		<u>Fiscal 2008</u>					<u>Fiscal 2009</u>						
	<u>General</u>	<u>State</u>	<u>Federal</u>	<u>Propri-</u>	<u>Other</u>	<u>Total</u>	<u>General</u>	<u>State</u>	<u>Federal</u>	<u>Propri-</u>	<u>Other</u>	<u>Total</u>	
	<u>Fund</u>	<u>Special</u>	<u>Special</u>	<u>etary</u>			<u>Fund</u>	<u>Special</u>	<u>Special</u>	<u>etary</u>			
		<u>Revenue</u>	<u>Revenue</u>					<u>Revenue</u>	<u>Revenue</u>				
1	7.	Montana State Lottery (15)											
2		0	0	0	7,430,312	0	7,430,312	0	0	0	7,441,644	0	7,441,644
3	a.	Legislative Audit (Restricted/Biennial)											
4		0	0	0	102,223	0	102,223	0	0	0	0	0	0
5	8.	Health Care and Benefits Division (21)											
6		387,690	32,232	0	0	0	419,922	379,679	32,232	0	0	0	411,911
7	9.	State Personnel Division (23)											
8		1,010,951	0	0	0	0	1,010,951	1,017,326	0	0	0	0	1,017,326
9	10.	State Tax Appeal Board (37)											
10		332,195	0	0	0	0	332,195	334,607	0	0	0	0	334,607
11	<hr/>												
12	Total												
13		6,514,800	6,080,304	887,293	7,582,155	0	21,064,552	6,617,903	6,153,962	87,333	7,491,313	0	20,350,511
14	MONTANA CONSENSUS COUNCIL (6106)												
15	1.	Montana Consensus Council (01)											
16		75,632	116,071	0	0	0	191,703	76,507	116,646	0	0	0	193,153
17	a.	Legislative Audit (Restricted/Biennial)											
18		0	376	0	0	0	376	0	0	0	0	0	0
19	<hr/>												
20	Total												
21		75,632	116,447	0	0	0	192,079	76,507	116,646	0	0	0	193,153
22	OFFICE OF STATE PUBLIC DEFENDER (6108)												
23	1.	Office of State Public Defender (01)											
24		14,560,000	75,000	0	0	0	14,635,000	15,142,400	75,000	0	0	0	15,217,400
25	2.	Office of Appellate Defender (02)											
26		574,400	0	0	0	0	574,400	575,454	0	0	0	0	575,454
27	<hr/>												

	<u>Fiscal 2008</u>					<u>Fiscal 2009</u>					<u>Total</u>	
	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>	<u>Other</u>	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>	<u>Other</u>		
1	Total											
2	15,134,400	75,000	0	0	0	15,209,400	15,717,854	75,000	0	0	0	15,792,854
3	<hr/>											
4	TOTAL GENERAL GOVERNMENT AND TRANSPORTATION											
5	110,234,246	255,262,819	305,068,949	9,530,206	0	680,096,220	109,543,584	248,658,689	309,680,170	9,446,167	0	677,328,610
6												

1 NEW SECTION. **Section 19. Rates.** Internal service fund type fees and charges established by the legislature for the 2009 biennium are as follows:

	Fiscal 2008	Fiscal 2009
2		
3	Department of Transportation -- 5401	
4	1. State Motor Pool	
5	a. Class 02 (small utilities)	
6	Per Hour Assigned	\$1.547 \$1.634
7	Per Mile Operated	\$0.146 \$0.148
8	b. Class 04 (large utilities)	
9	Per Hour Assigned	\$1.948 \$2.034
10	Per Mile Operated	\$0.184 \$0.187
11	c. Class 06 (midsize compact)	
12	Per Hour Assigned	\$1.393 \$1.404
13	Per Mile Operated	\$0.114 \$0.115
14	d. Class 07 (small pickups)	
15	Per Hour Assigned	\$1.528 \$1.578
16	Per Mile Operated	\$0.173 \$0.176
17	e. Class 11 (large pickups)	
18	Per Hour Assigned	\$1.432 \$1.434
19	Per Mile Operated	\$0.199 \$0.203
20	f. Class 02 (vans - all types)	
21	Per Hour Assigned	\$1.453 \$1.417
22	Per Mile Operated	\$0.167 \$0.170
23	2. Equipment Program	
24	All of Program Operations	20-day working capital reserve
25		
26	Department of Revenue -- 5801	
27	1. Business and Income Taxes Division	
28	Delinquent Account Collection Fee (percent of amount collected)	5% 5%
29		
30	Department of Administration -- 6101	
31	1. Administration and Financial Services Division	

1	a. SABHRS Services Bureau		
2	Total Allocation of Costs	\$6,774,746	\$6,616,145
3	b. Management Services Unit		
4	Total Allocation of Costs	\$987,261	\$996,441
5	Portion of Unit for Human Resources		
6	Charge Per FTE of User Programs	\$417	\$429
7	c. Warrant Writer		
8	Mailer	\$0.68860	\$0.69200
9	Mailer - PRD and TRS	\$0.27860	\$0.28200
10	Nonmailer	\$0.25840	\$0.26180
11	Emergency	\$4.78180	\$4.78090
12	Duplicates	\$5.59350	\$5.59260
13	Externals		
14	Externals - Payroll	\$0.23050	\$0.23390
15	Externals - Universities	\$0.19660	\$0.20000
16	Direct Deposit		
17	Direct Deposit - Mailer	\$0.64680	\$0.64450
18	Direct Deposit - Nonmailer	\$0.23870	\$0.22690
19			
20	2. General Services Division		
21	a. Facilities Management Bureau		
22	Office Rent (per sq. ft.)	\$8.179	\$8.592
23	Warehouse Rent (per sq. ft.)	\$4.209	\$4.547
24	Grounds Maintenance (per sq. ft.)	\$0.496	\$0.508
25	Project Mgmt (in-house)	15%	15%
26	Project Mgmt (contracted)	5%	5%
27	b. Print and Mail Services		
28	Internal Printing		
29	Impression Cost		
30	1-20	\$0.0625	\$0.0625
31	21-100	\$0.0276	\$0.0276

1	101-1000	\$0.0159	\$0.0159
2	1001-5000	\$0.0064	\$0.0064
3	5001+	\$0.0032	\$0.0032
4	Collating Machine	\$0.0064	\$0.0064
5	Collating Hand	\$0.530	\$0.530
6	Stapling Hand	\$0.0159	\$0.0159
7	Stapling In-Line	\$0.0106	\$0.0106
8	Saddle Stitch	\$0.0318	\$0.0318
9	Folding (setup)	\$10.60	\$10.60
10	Folding	\$0.0053	\$0.0053
11	Folding Right Angle (setup)	\$10.60	\$10.60
12	Folding Right Angle	\$0.0053	\$0.0053
13	Folding In-Line	\$0.0318	\$0.0318
14	Punching Standard 3-Hole	\$0.00106	\$0.00106
15	Punching Nonstandard (setup)	\$3.18	\$3.18
16	Punching Nonstandard	\$0.00106	\$0.00106
17	Cutting	\$0.583	\$0.583
18	Padding	\$0.00212	\$0.00212
19	Scoring, Perforating, Numbering (setup plus duplicating rate)	\$5.30	\$5.30
20	Perfect Binding (setup)	\$15.90	\$15.90
21	Perfect Binding	\$0.583	\$0.583
22	Tape Binding	\$0.530	\$0.530
23	Tabs	\$0.530	\$0.530
24	Transparencies	\$0.530	\$0.530
25	Shrink-Wrapping	\$0.265	\$0.265
26	Hand Bindery	\$0.530	\$0.530
27	Desktop	\$38.16	\$38.16
28	Negatives Stripped		
29	10x12	\$11.98	\$11.98
30	12x20	\$20.30	\$20.30
31	20x24	\$36.94	\$36.94

1	Negatives Stripped Halftone		
2	10x12	\$17.01	\$17.01
3	Negatives Stripped PMTs Positive		
4	10x12	\$7.05	\$7.05
5	12x20	\$14.15	\$14.15
6	20x24	\$28.30	\$28.30
7	Negatives Stripped PMTs Halftone		
8	10x12	\$10.76	\$10.76
9	Negatives Stripped Metal Plates		
10	8.5x11	\$10.60	\$10.60
11	11x17	\$21.20	\$21.20
12	Negatives Stripped Silver Plates		
13	8.5x11	\$8.48	\$8.48
14	11x17	\$9.54	\$9.54
15	Negatives Stripped CTP Plates		
16	8.5x11	\$8.48	\$8.48
17	11x17	\$9.54	\$9.54
18	External Printing		
19	Percent of Invoice Markup	6.36%	6.36%
20	Photocopy Pool		
21	Copier Monthly Charge		
22	Level 1	\$34.77	\$34.77
23	Level 2	\$115.40	\$115.40
24	Level 3	\$210.76	\$210.76
25	Level 4	\$250.93	\$250.93
26	Level 5	\$381.34	\$381.34
27	Level 6	\$526.70	\$526.70
28	Level 7	\$615.78	\$615.78
29	Optional Features for Digital Copiers		
30	Level 1		
31	Print Cost Per Page	\$0.0146	\$0.0146

1	Fax Cost Per Page	\$0.0146	\$0.0146
2	Print Option	\$18.29	\$18.29
3	Fax Option	\$14.63	\$14.63
4	Level 2		
5	Print Cost Per page	\$0.0146	\$0.0146
6	Print Option	\$14.63	\$14.63
7	Fax Cost Per Page	\$0.0146	\$0.0146
8	Fax Option	\$21.94	\$21.94
9	Scan Option	\$14.63	\$14.63
10	Level 3		
11	Print Cost Per Page	\$0.0146	\$0.0146
12	Print Option	\$28.65	\$28.65
13	Fax Cost Per Page	\$0.0146	\$0.0146
14	Fax Option	\$23.16	\$23.16
15	Scan Option	\$24.38	\$24.38
16	Level 4		
17	Print Cost Per Copy	\$0.0146	\$0.0146
18	Print Option	\$28.65	\$28.65
19	Fax Cost Per Page	\$0.0146	\$0.0146
20	Fax Option	\$23.16	\$23.16
21	Scan Option	\$24.38	\$24.38
22	Level 5		
23	Print Cost Per Page	\$0.0146	\$0.0146
24	Print Option	\$32.31	\$32.31
25	Fax Cost Per Page	\$0.0146	\$0.0146
26	Fax Option	\$23.16	\$23.16
27	Scan Option	\$32.31	\$32.31
28	Level 6		
29	Print Cost Per Page	\$0.0146	\$0.0146
30	Print Option	\$32.31	\$32.31
31	Fax Cost Per Page	\$0.0146	\$0.0146

1	Fax Option	\$23.16	\$23.16
2	Scan Option	\$32.31	\$32.31
3	Level 7		
4	Print Cost Per Page	\$0.0146	\$0.0146
5	Print Option	\$32.31	\$32.31
6	Fax Cost Per Page	\$0.0146	\$0.0146
7	Fax Option	\$23.16	\$23.16
8	Scan Option	\$32.31	\$32.31
9	Mail Preparation		
10	Tabbing	\$0.0106	\$0.0106
11	Labeling	\$0.0106	\$0.0106
12	Ink Jet	\$0.0318	\$0.0318
13	Inserting	\$0.0106	\$0.0106
14	Winsort	\$0.0530	\$0.0530
15	Mail Operations		
16	Service Type (each)		
17	Machinable	\$0.037	\$0.037
18	Nonmachinable	\$0.069	\$0.069
19	Postcards	\$0.042	\$0.042
20	Certified Mail	\$0.530	\$0.530
21	Registered Mail	\$0.530	\$0.530
22	Internatl Mail	\$0.318	\$0.318
23	Flats	\$0.095	\$0.095
24	Priority	\$0.530	\$0.530
25	Express Mail	\$0.530	\$0.530
26	USPS Parcels	\$0.265	\$0.265
27	Insured Mail	\$0.530	\$0.530
28	Media Mail	\$0.265	\$0.265
29	Standard Mail	\$0.159	\$0.159
30	Postage Due	\$0.053	\$0.053
31	Fee Due	\$0.053	\$0.053

1	Tapes	\$0.212	\$0.212
2	UPS Parcels	\$0.265	\$0.265
3	Interagency Mail		
4	Dollars-Yearly	\$225,998	\$225,998
5	Postal Contract (Capitol)		
6	Dollars-Yearly	\$41,315	\$41,315
7	c. Central Stores		
8	Markup as a Percent of Retail Cost of Goods Sold	25%	25%
9	3. Information Technology Services Division		
10	Desktop Services Rate (per statewide active directory account)	\$85.75	\$90.50
11	Electronic Government Transaction Fee (per website visit)		\$0.012
12	All Remaining Operations of the Division	30-day working capital reserve	
13	4. State Personnel Division		
14	a. Intergovernmental Training		
15	Open Enrollment Courses		
16	Two-Day Course (per participant)	\$182	\$185
17	One-Day Course (per participant)	\$115	\$118
18	Half-Day Course (per participant)	\$87	\$90
19	Eight-Day Management Series (per participant)	\$550	\$560
20	Six-Day Management Series (per participant)	\$425	\$430
21	Four-Day Administrative Assistant Series (per participant)	\$320	\$325
22	Contract Courses		
23	Full Day of Training (flat fee)	\$800	\$820
24	Half Day of Training (flat fee)	\$550	\$560
25	b. Payroll Processing		
26	Payroll Fees (per employee processed per pay period)	\$1.56	\$1.47
27	5. Risk Management & Tort Defense		
28	Auto Liability, Comprehensive, and Collision (total allocation to agencies)	\$1,146,000	\$1,146,000
29	Aviation (total allocation to agencies)	\$167,807	\$185,931
30	General Liability (total allocation to agencies)	\$7,124,500	\$7,124,500
31	Property/Miscellaneous (total allocation to agencies)	\$4,443,591	\$4,443,591

